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Attorneys for Plaintiffs

TC Rich, LLC, Rifle Freight, Inc., Fleischer Customs Brokers, Richard G. Fleischer, and Jacqueline Fleischer

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

TC RICH, LLC, a California Limited Liability Company, RIFLE FREIGHT, INC., a California corporation, FLEISCHER CUSTOMS BROKERS, a sole proprietorship, RICHARD G. FLEISCHER, an individual, and JACQUELINE FLEISCHER, an individual,

Plaintiffs,

v.

PACIFICA CHEMICAL, INCORPORATED, a California corporation, AQUA SCIENCE ENGINEERS, INC., a California Corporation, A/E WEST CONSULTANTS, INC., a Nevada Corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No. CV 15-4878 DMG (AGRx)

Assigned to the Hon. Dolly M. Gee

FURTHER JOINT QUARTERLY STATUS REPORT AS ORDERED BY THE COURT BY ITS APRIL 15, 2019, ORDER

Action filed: June 26, 2015
Discovery: Stayed
Trial date: None set

1 On April 15, 2019, in ruling on plaintiffs' motion for leave to file a first
 2 amended complaint, the Court ordered the parties to continue to submit quarterly
 3 status reports regarding the status of their (1) investigation of the environmental
 4 contamination in question, (2) development of a remedial plan, and (3) settlement
 5 negotiations. [DKT. 116.]

6 1. Site Investigation and Request for the DTSC to Involve Mr. Hussain M.
 7 Shaik

8 The Department of Toxic Substances Control, the California environmental
 9 agency with jurisdiction over the Property, previously tendered a Facility Initiated
 10 Corrective Action Agreement ("FICA") to Pacifica Chemical in regard to further
 11 remedial activities at the Property. The FICA remains unsigned; however, Pacifica
 12 Chemical recently reported that DTSC has agreed to let the pilot test move forward
 13 without an executed FICA. [DKT 111-1, ¶8 (Declaration of Bret A. Stone)].

14 On May 2, 2019, Plaintiffs requested that the DTSC involve Mr. Hussain M.
 15 Shaik, the historic property owner, in all further negotiations and orders. Mr.
 16 Shaikh was the record title owner of the Property from 1979 through 1984, and
 17 again from 1987 through 2003. Except for a brief period from December 1984 to
 18 October 1987 when Mr. Shaikh appears to have conveyed the Property to another
 19 individual, Haroon Khan, Mr. Shaikh was the record title owner of the Property for
 20 the time period during which Shah Chemical and Pacifica Chemical conducted
 21 chemical blending operations at the Property.

22 2. New Action Against Shaikh and Shah Chemical

23 On March 21, 2019, Plaintiffs filed a new action against the prior owner of
 24 the Property, Hussain M. Shaikh, and the prior operator at the Property, Shah
 25 Chemical. (2:19-cv-02123-DMG-AGR). In response to issues raised by Mr. Shaikh
 26 and Shah Chemical in a meet and confer letter dated April 30, 2019, the parties
 27 entered into a stipulation to extend the time for Mr. Shaikh and Shah Chemical to
 28 respond by not more than 30 days. The new response deadline is now set for June 7,

2019, and Plaintiffs have agreed to file an amended complaint in advance of that deadline.

3. Mediation

The parties anticipate returning to mediation with Mr. Gallagher in or about December 2019 after the pleadings are settled. The parties continue to believe significant strides were achieved with Mr. Gallagher's assistance on February 22nd and further believe that a complete resolution can be achieved at the second session once all the necessary parties are included in the discussion and all the necessary claims are included in the action. In addition, the parties anticipate results from the ERD pilot study to be available late 2019, which will further inform the parties' settlement discussions.

Dated: May 14, 2019

RAINES FELDMAN LLP

/s/ John S. Cha

John S. Cha
Counsel for Plaintiffs

Dated: May 14, 2019

**PILLSBURY WINTHROP SHAW
PITTMAN LLP**

/s/ Mark Elliot

Mark Elliot
Counsel for Plaintiffs

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3 Dated: May 14, 2019

PALADIN LAW GROUP® LLP

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5 */s/ Bret A. Stone*

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Bret A. Stone
Counsel for Defendants Pacifica Chemical,
Incorporated, Hussain M. Shaikh, and Shah
Chemical Corporation

11 Dated: May 14, 2019

FOLEY & LARDNER LLP

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13 */s/ Sarah A. Slack*

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Sarah A. Slack
Counsel for Plaintiff-Intervenor